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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,546	09/08/2003	Clifford Neil Didcock	502080-A-11-US (Didcock)	9884
7590 06/21/2006 Ryan, Mason & Lewis, LLP 90 Forest Avenue Locust Valley, NY 11560			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,546

Applicant(s)

DIDCOCK ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/27/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al (US 5,619,554) in view of Bartholomew et al. (US 6,285,745 B1).

Regarding **claim(s) 1, 2, 4, 8, 14, 15, 16 and 18** Hogan discloses on Fig. 13 and Fig. 4, a messaging system for multiple users.

Hogan discloses on item 1302 Fig. 13, a plurality of voice message servers (claimed "at least one distributed front-end messaging system").

Hogan discloses on item 1304 Fig. 13, column 15 lines 26-27, database (claimed "centralized data store") which associates with the voice message server. The database stores voice messages (claimed "storing data associated with users").

Hogan discloses on column 3 lines 43-46, storing voice packets retrieved from the database in a buffer (claimed "at least one cache means") for playback. The played voice message is in dependence on the data stored in the buffer.

Hogan fails to disclose distributed front-end messaging systems being remotely located from one another and from the centralized data store.

However, Bartholomew teaches distributed front-end messaging systems being remotely located from one another and from the centralized data store, the centralized data store being adapted for communication with said distributed front-end messaging systems over a network (FIG. 8 and column 27, lines 42-60).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Hogan using the teaching of voice messaging systems as taught by Bartholomew.

This modification of the invention enables the system to have distributed front-end messaging systems being remotely located so that the user would transfer the voice message from one system to another.

Regarding **claim(s) 3**, Hogan discloses on item 904 Fig. 13, front-end distributor (claimed "centralized front-end messaging system") associates with database.

Regarding **claim(s) 5**, Hogan discloses on column 15 lines 42-43, front-end distributor (claimed "centralized front-end messaging system") provides voice message services (claimed "at least one messaging function").

Regarding **claim(s) 6**, Hogan discloses on column 15 lines 55-60, the front-end distributor (claimed "centralized front-end messaging system") distributes voice messages to voice message server (claimed "distributed front-end messaging system"). The front-end distributor must identify the voice message server for distribution of the voice messages.

Regarding **claim(s) 7**, Hogan discloses on column 26 lines 34-41, operator data includes ANI (claimed "a calling number") and called party number.

Regarding **claim(s) 9**, the database (item 1304 Fig. 13) as disclose by Hogan must have configuration data (database configuration).

Regarding **claim(s) 10**, Hogan discloses on item 334 Fig. 13, VRU (claimed "call answering").

Regarding **claim(s) 11 and 17**, Hogan discloses on column 3 line 19, call processing system (reads on claimed "subscriber access function").

Regarding **claim(s) 12**, Hogan discloses on item 1302 Fig. 13, a plurality of independent voice message servers (reads on claimed "a respective voice mail domain").

Regarding **claim(s) 13**, Hogan discloses on item 102 Fig. 1, a switch.

Response to Arguments

5. Applicant's arguments with respect to **claim(s) 1-18** have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2614

GG
June 15, 2006